

**SENATE JOURNAL  
66TH LEGISLATURE  
SIXTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
March 28, 2019

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Ellis. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Howard excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 3/28/2019

Correctly printed: **SB 65, SB 195, SB 266, SB 325, SB 329, SB 330, SB 335, SB 341, SB 344, SB 348, SB 366, HB 265, HB 279, HB 281, HB 291, HB 318, HB 497, HJ 18.**

Correctly engrossed: **SB 69, SB 266, SB 326, SB 331, SB 334, SB 346, SB 351, SB 356, SB 358, SB 362, HB 211, HB 481, HB 514, HB 617.**

Examined by the sponsor and found to be correct: **SB 3, SB 52, SB 89, SB 98, SB 14, SB 223, SB 243.**

Transmitted to the House: **SB 125, HB 274, HB 343, HB 505, HB 518, HB 529, HB 581, HB 601.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Fitzpatrick, Chair): 3/27/2019  
**SB 351**, introduced bill, be amended as follows:

1. Page 1, line 27.

**Strike:** "February"

**Insert:** "April"

2. Page 1, line 28.

**Strike:** "January"

**Insert:** "March"

**Following:** "31."

**Insert:** "The governor shall appoint board members on or before February 1 of the odd-numbered years that coincide with the expiration of the board members' terms."

3. Page 1, line 30 through page 2, line 1.

**Strike:** Page 1, line 30 through page 2, line 1 in their entirety

4. Page 2, line 3.

**Following:** "except"

**Insert:** "as otherwise provided in this section and except"

And, as amended, do pass.

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**SB 358**, introduced bill, be amended as follows:

1. Page 3, line 10.

**Following:** "licenses issued under this section"

**Insert:** "and is more than 30 miles from an agency liquor store"

And, as amended, do pass.

**HB 481**, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING APPLICABILITY DATES"

2. Page 2, line 3.

**Following:** "contemplated by this section"

**Insert:** ": (i)"

3. Page 2, line 4.

**Following:** "50-40-103"

**Insert:** ";

(ii) complies with section 403.3 of the 2012 International Mechanical Code of Montana relating to ventilation of buildings and outdoor airflow rates;

(iii) is not located in the same building used by a place of work and is not located in a building used by the public; and

(iv) does not allow people under 21 years of age in the private social club."

4. Page 2, line 5.

**Following:** line 4

**Insert:** "**NEW SECTION. Section 2. Applicability.** (1) [This act] requires bona fide private social clubs that go into operation on or after [the effective date of this act] to comply with the 2012 International Mechanical Code of Montana relating to ventilation of buildings as of [the effective date of this act]. Bona fide private social clubs in existence before [the effective date of this act] must comply with the 2012 International Mechanical Code of Montana by October 1, 2022."

(2) [This act] requires bona fide private social clubs that go into operation on or after [the effective date of this act] to comply with 50-40-104(4)(f)(iii). Bona fide private social clubs in operation before [the effective date of this act] may continue operating in the same location that was in operation before [the effective date of this act]. However, a bona fide private social club in operation before [the effective date of this act] that changes locations must comply with 50-40-104(4)(f)(iii).

And, as amended, be concurred in.

**HB 584**, be concurred in.

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**HB 617**, be amended as follows:

1. Page 4, line 19.

**Strike:** "labor"

2. Page 4, line 27 through line 30.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

2.5 **NEW AMENDMENT** Page 5, line 11.

**Strike:** "(i)(d)(i)"

**Insert:** "(i)(c)(i)"

3. Page 5, line 26 through line 27.

**Following:** "in accordance with subsection"

**Insert:** "(2) or"

**Following:** "(3)"

**Strike:** "or this subsection"

4. Page 6, line 1.

**Strike:** "subsection (1)(a)"

**Insert:** "this section"

5. Page 6, line 16.

**Strike:** "or labor performed"

6. Page 6, line 27 through line 28.

**Strike:** ", based on the qualified repair" on line 27 through "franchisee" on line 28

7. Page 7, line 18.

**Strike:** ", or submittable,"

8. Page 9, line 26.

**Strike:** "chronological"

**Insert:** "time"

9. Page 11, line 27.

**Following:** "cancellation,"

**Insert:** "including vehicles with less than 1,000 miles on the odometer,"

10. Page 12, line 7.

**Following:** "cancellation"

**Insert:** ", including vehicles with less than 1,000 miles on the odometer"

11. Page 12, line 15.

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**Following:** "30 days"

**Insert:** "from the date of the repurchase request"

12. Page 14, line 18.

**Strike:** "the rate of 15% a year"

**Insert:** "a rate calculated pursuant to 25-9-205"

13. Page 14, line 29.

**Following:** "~~not covered by contract,~~"

**Insert:** "parts,"

14. Page 14, line 30.

**Following:** "special tools"

**Insert:** "that are not included in contract remedies"

15. Page 15, line 9.

**Following:** "120 days"

**Strike:** "of"

**Insert:** "prior to"

**Following:** "date of retirement or"

**Insert:** "within 120 days after"

16. Page 15, line 16 through 17.

**Following:** "requirements to be a dealer"

**Strike:** "or shall employ"

**Insert:** ". If the designated family member lacks experience required to meet those requirements, then the manufacturer shall allow the successor a reasonable amount of time to meet those requirements provided that during the period, the successor employs"

17. Page 16, line 23.

**Following:** "61-4-132(2)"

**Strike:** "and"

**Insert:** "or"

18. Page 16, line 25.

**Strike:** "pursuant to 61-4-206 and 61-4-207"

19. Page 18, line 5.

**Strike:** "thorough"

**Insert:** "reasonable"

20. Page 18, line 7.

**Following:** "to the claimant"

**Insert:** "or manufacturer"

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21. Page 18, line 16.

**Strike:** "pursuant" through "part"

22. Page 18, line 17.

**Strike:** "warranty,"

23. Page 18, line 18.

**Following:** "receipt of the claim from the dealer"

**Insert:** ", unless the claim is properly disapproved"

24. Page 20, line 4.

**Strike:** "this section"

**Insert:** "27-2-203"

25. Page 21, line 1.

**Following:** "franchisor"

**Strike:** "in a 3-calendar-year period"

**Insert:** "within 3 calendar years of the date of final disposition of a notice of intention"

26. Page 26, line 3 through line 5.

**Following:** "products of the line-make" on line 3

**Strike:** remainder of line 3 through "that community" on line 5

27. Page 26, line 6.

**Following:** "whether the"

**Strike:** "population and"

**Following:** "demographic characteristics"

**Insert:** ", including population,"

And, as amended, be concurred in.

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair):

3/27/2019

**HB 41**, be concurred in.

**HB 211**, be amended as follows:

1. Title, page 1, line 10.

**Following:** "RETENTION;"

**Insert:** "ALLOWING IMPACTED SCHOOLS TO PROVIDE LOAN REPAYMENT ASSISTANCE TO ELIGIBLE TEACHERS AFTER COMPLETING A FOURTH YEAR;"

2. Page 9, line 18.

**Following:** "impacted school"

**Insert:** "in which:

(a)"

**Strike:** "in which"

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3. Page 9, line 22.

**Strike:** "school"

**Following:** "days"

**Insert:** "; or

(b) a vacancy for the current school year was advertised for a period of at least 30 days and the district received less than five applications from qualified candidates"

4. Page 10, line 27.

**Strike:** "identify"

5. Page 10, line 28.

**Following:** "are"

**Insert:** "maintain and make publicly available a current list of"

6. Page 10, line 29.

**Following:** "(b)"

**Insert:** "based on reporting by impacted schools or school districts in which impacted schools are located, identify"

**Strike:** "of" through "(1)(a)"

**Insert:** "impacted school"

7. Page 10, line 30.

**Following:** "areas"

**Insert:** "under 20-4-502(1)(a). The board of public education shall also establish a process for impacted schools to report and qualify, no later than 5 days after submission of a written report on a form developed by the board, a current vacancy for a critical quality educator shortage area under the criteria set forth in 20-4-502(1)(b). Critical quality educator shortage areas qualifying under 20-4-502(1)(b) are eligible for loan repayment assistance independent of the report under subsection (2) of this section"

8. Page 11, line 16.

**Following:** "areas"

**Insert:** "under 20-4-502(1)(a)"

9. Page 11, line 20.

**Strike:** "MAY"

**Insert:** "based on the criteria under 20-4-502(1)(a) must"

10. Page 11, line 26.

**Following:** "school"

**Insert:** "or another impacted school within the same school district"

11. Page 11, line 27.

**Following:** "of"

**Insert:** "state-funded"

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**Following:** "assistance"

**Insert:** "and an additional 1 year of loan repayment assistance funded by the impacted school or the district under which the impacted school is operated"

12. Page 11, line 28.

**Following:** "20-4-504(2)."

**Insert:** "Both state-funded and locally funded loan repayment assistance under this section is exempt from taxation as specified in 15-20-2110(14)."

13. Page 12, line 3.

**Strike:** "employed"

**Insert:** "newly hired"

14. Page 12, line 7.

**Following:** "eligible for"

**Insert:** "state-funded"

**Following:** "years"

**Insert:** "and an additional 1 year of loan repayment assistance voluntarily funded by the impacted school or the district under which the impacted school is operated"

15. Page 12, line 9.

**Following:** "\$3,000"

**Insert:** "of state-funded loan repayment assistance"

16. Page 12, line 10.

**Following:** "\$4,000"

**Insert:** "of state-funded loan repayment assistance"

17. Page 12, line 11.

**Strike:** "and"

18. Page 12, line 12.

**Following:** "\$5,000"

**Insert:** "of state-funded loan repayment assistance"

19. Page 12, line 13.

**Following:** "district"

**Insert:** "; and

(d) up to \$5,000 of loan repayment assistance funded by the impacted school or the district under which the impacted school is operated after the fourth complete year of teaching in the same impacted school or another impacted school within the same school district"

20. Page 12, line 28.

**Following:** "FUNDING FOR"

**Insert:** "state-funded"

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21. Page 12.

**Following:** line 30

**Insert:** "(4) A school district may fund loan repayment assistance under subsection (2)(d) from any state or local revenue from any budgeted or nonbudgeted fund, other than the debt service fund or retirement fund."

22. Page 13.

**Following:** line 22

**Insert:** "(4) An impacted school or a school district under which an impacted school is operated may remit payment of the loan on behalf of a quality educator eligible for loan repayment assistance under this section in accordance with 20-4-504."

23. Page 14, line 1.

**Following:** "~~20-4-504(4).~~"

**Insert:** "state-funded"

And, as amended, be concurred in.

**HB 295**, be concurred in.

**HIGHWAYS AND TRANSPORTATION** (Vance, Chair):  
**SB 346**, introduced bill, be amended as follows:

3/26/2019

1. Page 10, line 22.

**Following:** "(24)"

**Strike:** "(a)"

2. Page 10, line 25 through line 28.

**Strike:** subsection (b) through subsection (c) in their entirety

And, as amended, do pass.

**SB 365**, do pass.

**JUDICIARY** (Regier, Chair):  
**SB 356**, introduced bill, be amended as follows:

3/28/2019

1. Page 1, line 24.

**Following:** line 24

**Insert:** "(3) "Disbursement" means any purchase or payment made by:

(a) a political committee; or

(b) any other person, including an organization that is not a political committee, that is subject to [section 3]."

**Renumber:** subsequent subsections



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2. Page 4, line 25.

**Following:** "[section 3]"

**Insert:** ", except a 501(c)(3) nonprofit corporation,"

3. Page 5, line 8.

**Following:** "section 3"

"

**Insert:** ",except a 501(c)(3) nonprofit corporation,"

And, as amended, do pass.

**SB 362**, introduced bill, be amended as follows:

1. Page 1, line 9.

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 44-4-1202, MCA, is amended to read:

**"44-4-1202. Purpose -- definitions.** (1) The legislature declares that driving in Montana upon a way of this state open to the public is a privilege, not a right. A driver who wishes to enjoy the benefits of this privilege shall accept the corresponding responsibilities.

(2) The legislature further declares that the purpose of this part is:

(a) to protect the public health and welfare by reducing the number of people on Montana's highways who drive under the influence of alcohol or dangerous drugs;

(b) to protect the public health and welfare by reducing the number of repeat offenders for crimes in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime;

(c) to strengthen the pretrial and posttrial options available to prosecutors and judges in responding to repeat DUI offenders or other repeat offenders who commit crimes in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime; and

(d) to ensure timely and sober participation in judicial proceedings.

(3) As used in this part, the following definitions apply:

(a) "Core components" means those elements of a sobriety program that analysis demonstrates are most likely to account for positive program outcomes.

(b) "Dangerous drug" has the meaning provided in 50-32-101.

(c) "Department" means the department of justice provided for in 2-15-2001.

(d) "Immediate sanction" means a sanction that is applied within minutes of a noncompliant test event.

(e) "Law enforcement agency" means the county sheriff's office or another law enforcement agency designated by the county sheriff's office that is charged with enforcing the sobriety program.

(f) "Sobriety program" or "program" means the 24/7 sobriety and drug monitoring program established in 44-4-1203, which authorizes a court or an agency as defined in 2-15-102, as a condition of bond, sentence, probation, parole, or work permit, to:

(i) require an individual who has been charged with or convicted of a crime in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime, including but not limited to a second or subsequent offense of driving under the influence of alcohol

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or dangerous drugs, to abstain from alcohol or dangerous drugs for a period of time; and

(ii) require the individual to be subject to testing to determine the presence of alcohol or dangerous drugs;

~~(A) twice a day at a central location where immediate sanctions may be applied;~~

~~(B) when testing twice a day is impractical, by continuous, remote sensing, or transdermal alcohol monitoring by means of an electronic monitoring device that allows timely sanctions to be applied; or~~

~~(C) with the concurrence of the department, by an alternate method that is consistent with 44-4-1203.~~

(g) "Testing" means a procedure for determining the presence and level of alcohol or a dangerous drug in an individual's breath or body fluid, including blood, urine, saliva, or perspiration, and includes any combination of the use of in person or remote breath testing, drug patch testing, urinalysis testing, saliva testing, or continuous remote sensing, or transdermal alcohol monitoring. With the concurrence of the department and consistent with 44-4-1203, alternate body fluids may be approved for testing.

(h) "Timely sanction" means a sanction that is applied as soon as practical following a noncompliant test event."

**Insert: "Section 2.** Section 44-4-1203, MCA, is amended to read:

**"44-4-1203. Sobriety and drug monitoring program created.** (1) There is a statewide 24/7 sobriety and drug monitoring program within the department to be administered by the attorney general.

(2) (a) The core components of the sobriety program must include use of a primary testing methodology for the presence of alcohol or dangerous drugs that:

- (i) best facilitates the ability to apply immediate sanctions for noncompliance; and
- (ii) is available at an affordable cost.

(b) Primary testing methods for alcohol include twice-a-day, in-person breath testing at a central location and other methodologies approved by the department. Primary testing methodologies must utilize devices that are capable of determining alcohol concentrations below an equivalent breath alcohol concentration of 0.010 grams per 210 liters of breath. If the primary testing methodology is a breath alcohol analysis, the device utilized must be listed on the most recent conforming products list for evidential breath alcohol measurement devices as published by the national highway traffic safety administration.

(b)(c) In cases of hardship or when a sobriety program participant is subject to less-stringent testing requirements, testing methodologies with timely sanctions for noncompliance may be utilized. Hardship testing methodologies include the use of transdermal alcohol monitoring devices, remote breath test devices, and other methods approved by the department. A hardship testing methodology may be used if the court or agency determines that hardship factors, including but not limited to distance from or lack of access to a primary testing method site, prevent the

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reasonable use of a primary testing method.

(3) The sobriety program must be supported by evidence of effectiveness and satisfy at least two of the following categories:

(a) the program is included in the federal registry of evidence-based programs and practices;

(b) the program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome; or

(c) the program has been documented as effective by informed experts and other sources.

(4) If a law enforcement agency chooses to participate in the sobriety program, the department shall assist in the creation and administration of the program in the manner provided in this part. The department shall also assist entities participating in the program in determining alternatives to incarceration.

(5) (a) If a law enforcement agency participates in the program, the law enforcement agency may designate an entity to provide the testing services or to take any other action required or authorized to be provided by the law enforcement agency pursuant to this part, except that the law enforcement agency's designee may not determine whether to participate in the sobriety program.

(b) The law enforcement agency shall establish the testing locations and times for the county but must have at least one testing location and two daily testing times approximately 12 hours apart.

~~(6) Any efforts by the department to alter or modify the core components of the statewide sobriety program must include a documented strategy for achieving and measuring the effectiveness of the proposed modifications. Before core components may be modified, a pilot program with defined objectives and timelines must be initiated in which measurements of the effectiveness and impact of any proposed modifications to the core components are monitored. The data collected from the pilot program must be assessed by the department, and a determination must be made as to whether the stated goals were achieved and whether the modifications should be formally implemented in the sobriety program.~~

~~(7)(6)~~ All alcohol or drug testing ordered by a court must utilize the data management technology plan provided for in 44-4-1204(4). All alcohol or drug testing ordered by a court must utilize the data management technology system in accordance with the data management technology plan provided for in 44-4-1204(4). The data is owned by the state and maintained by the department. Approved testing methodologies, whether designated as primary or hardship, must be capable of electronically transferring data directly into the data management technology system through a department-approved interface.

~~(8)(7)~~ Alcohol In order to provide a more complete record of drug and alcohol testing results, any alcohol or drug testing required by the department of corrections pursuant to this part other state or local agencies must may utilize the data management technology plan provided for in 44-4-1204(4) system.""

**Insert: "Section 3. Section 44-4-1205, MCA, is amended to read:**

**"44-4-1205. Authority of court to order participation in sobriety and drug monitoring program -- probationary license -- imposition of conditions. (1) (a) Any court or agency utilizing**

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the sobriety program may stay any sanctions that it imposed against an offender while the offender is in compliance with the sobriety program.

(b) If an individual convicted of the offense of aggravated driving under the influence in violation of 61-8-465, a second or subsequent offense of driving under the influence in violation of 61-8-401, or a second or subsequent offense of driving with excessive alcohol concentration in violation of 61-8-406 has been required to participate in the sobriety program, the court may, upon the individual's ~~successful completion of a court-approved chemical dependency treatment program~~ and obtaining proof of insurance pursuant to 61-6-301, notify the department that as a participant in the sobriety program, the individual is eligible for a restricted probationary driver's license pursuant to 61-2-302, notwithstanding the requirements of 61-5-208 that an individual is required to complete a certain portion of a suspension period before a probationary license may be issued.

(c) If the individual fails to comply with the requirements of the sobriety program, the court may notify the department of the individual's noncompliance and direct the department to withdraw the individual's probationary driver's license and reinstate the remainder of the suspension period provided in 61-5-208.

(2) Upon an offender's participation in the sobriety program and payment of the fees required by 44-4-1204:

(a) the court may condition any bond or pretrial release for an individual charged with a violation of 61-8-465, a second or subsequent violation of 61-8-401 or 61-8-406, or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime;

(b) the court may condition the granting of a suspended execution of sentence or probation for an individual convicted of a violation of 61-8-465, a second or subsequent violation of 61-8-401 or 61-8-406, or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime;

(c) the board of pardons and parole may condition parole for a violation of 61-8-465, a second or subsequent violation of 61-8-401 or 61-8-406, or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime; or

(d) the department of corrections may establish conditions for conditional release for a violation of 61-8-465, a second or subsequent violation of 61-8-401 or 61-8-406, or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime.

(3) An entity referred to in subsections (2)(a) through (2)(d) may condition any bond or pretrial release, suspended execution of sentence, probation, parole, or conditional release as provided in those subsections for an individual charged with or convicted of a violation of any statute involving domestic abuse or the abuse or neglect of a minor if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime regardless of whether the charge or conviction was for a first, second, or subsequent violation of the statute.

(4) A person is eligible to participate in and a court may compel a person to participate in a sobriety program if the person:

(a) is charged with violating 61-8-465; or

(b) (i) is charged with or has been convicted of violating 61-8-401 or 61-8-406; and

(ii) at any time in the 10 years preceding the date of the current charge or conviction:

(A) has been convicted in this state of a violation of 61-8-401, 61-8-406, or 61-8-465;

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(B) has been convicted of a violation of a statute or regulation in another state or on a federally recognized Indian reservation that is similar to 61-8-401, 61-8-406, or 61-8-465; or

(C) has forfeited bail or collateral deposited to secure the defendant's appearance in court in this state, in another state, or on a federally recognized Indian reservation for a charge of violating 61-8-401, 61-8-406, 61-8-465, or a similar statute or regulation and the forfeiture has not been vacated.

(5) As used in this section, "conviction" has the meaning provided in 45-2-101."

And, as amended, do pass.

**LOCAL GOVERNMENT** (Lang, Chair): 3/27/2019  
**SB 359**, do pass.

**NATURAL RESOURCES** (Welborn, Chair): 3/27/2019  
**SB 343**, do pass.

**STATE ADMINISTRATION** (Brown, Chair): 3/27/2019  
**SB 319**, do pass.  
**SB 364**, introduced bill, be amended as follows:

1. Page 2, line 4.

**Strike:** "(1)(g)"

**Insert:** "(1)(i)"

And, as amended, do pass.

**TAXATION** (Webb, Chair): 3/27/2019  
**SB 266**, introduced bill, be amended as follows:

1. Page 1, line 23.

**Strike:** "for the project"

2. Page 1, line 26.

**Strike:** "project"

**Strike:** ", including benefits"

**Following:** ";

**Insert:** "and"

3. Page 1, line 27.

**Strike:** subsection (d) in its entirety

**Renumber:** subsequent subsection

4. Page 1, line 28.

**Following:** "whether the"

**Strike:** "an"

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5. Page 1, line 30.

**Strike:** "(5)"

**Insert:** "(4)"

**Re-number:** subsequent subsections

6. Page 2, line 14.

**Strike:** "the accounts of"

7. Page 2, line 23 through line 24.

**Strike:** "during" on line 23 through "period" on line 24

**Insert:** "starting with calendar year 2019 and ending in calendar year 2029"

8. Page 2, line 25 through line 26.

**Strike:** subsection (c) in its entirety

**Re-number:** subsequent sections

9. Page 3, line 1.

**Strike:** "the credit period"

**Insert:** "any calendar year starting with calendar year 2019 and ending in calendar year 2029,"

10. Page 3, line 5 through line 7.

**Strike:** subsection (h) in its entirety

**Re-number:** subsequent subsection

11. Page 3, line 9 through line 22.

**Strike:** subsection (j) through subsection (k) in their entirety

**Insert:** "(h) Qualifying net job growth" means net job growth equal to at least five jobs during the first year the credit is claimed and at least 10 total jobs during any subsequent calendar year. In order to qualify, the net job growth must be associated with a project in Montana that encourages, promotes, and stimulates economic development in key economic sectors, including but not limited to agriculture, energy or natural resource development, tourism, construction, information technology, aerospace, health care, bioscience, and life science.

(i)(i) "Qualifying new employee" means an employee of a qualifying employer:

(A) who is hired any calendar year starting with calendar year 2019 and ending in calendar year 2029;

(B) who is employed at least 6 months during the year for which the credit is granted; and

(C) with an average yearly wage of at least \$45,000, plus benefits.

(ii) The term does not include an employee:

(A) previously employed by the employer or a predecessor; or

(B) hired to replace an employee of a predecessor."

12. Page 4, line 2.

**Strike:** "exceed"

**Insert:** "exceeds"

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13. Page 4, line 23.

**Following:** "."

**Insert:** "This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511."

14. Page 5, line 25.

**Strike:** "or"

15. Page 5, line 28.

**Following:** "15-30-2630"

**Insert:** "; or

(d) the delivery of information to the revenue and transportation interim committee relating to the job growth incentive tax credit as provided in [section 2]"

16. Page 8.

**Following:** line 21

**Insert:** "(e) the delivery of information to the revenue and transportation interim committee relating to the job growth incentive tax credit as provided in [section 2];"

**Renumber:** subsequent subsection

And, as amended, do pass.

**HB 514**, be amended as follows:

1. Page 1, line 15.

**Following:** "mailed"

**Insert:** "or, with property owner consent, provided electronically"

And, as amended, be concurred in.

**TAXATION** (Webb, Chair):

3/28/2019

**SB 69**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "15-6-133,"

**Following:** "15-7-202"

**Strike:** ", "

2. Page 1, line 14 through page 5, line 17.

**Strike:** section 1 through section 2 in their entirety

**Insert:** "**Section 1.** Section 15-7-202, MCA, is amended to read:

**"15-7-202. Eligibility of land for valuation as agricultural.** (1) (a) Contiguous parcels of land totaling 160 acres or more under one ownership are eligible for valuation, assessment, and taxation as agricultural land each year that none of the parcels is devoted to a residential, commercial, or industrial use.

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(b) (i) Contiguous parcels of land of 20 acres or more but less than 160 acres under one ownership that are actively devoted to agricultural use are eligible for valuation, assessment, and taxation as agricultural land if:

(A) the land is used primarily for raising and marketing, as defined in subsection (1)(c), products that meet the definition of agricultural in 15-1-101 and if, except as provided in subsection (3), the owner or the owner's immediate family members, agent, employee, or lessee markets not less than \$1,500 in annual gross income from the raising of agricultural products produced by the land; or

(B) the parcels would have met the qualification set out in subsection (1)(b)(i)(A) were it not for independent, intervening causes of production failure beyond the control of the producer or a marketing delay for economic advantage, in which case proof of qualification in a prior year will suffice.

(ii) Noncontiguous parcels of land that meet the income requirement of subsection (1)(b)(i) are eligible for valuation, assessment, and taxation as agricultural land under subsection (1)(b)(i) if:

(A) the land is an integral part of a bona fide agricultural operation undertaken by the persons set forth in subsection (1)(b)(i) as defined in this section; and

(B) the land is not devoted to a residential, commercial, or industrial use.

(iii) Parcels of land that are part of a family-operated farm, family corporation, family partnership, sole proprietorship, or family trust that is involved in Montana agricultural production consisting of 20 acres or more but less than 160 acres that do not meet the income requirement of subsection (1)(b)(i) may also be valued, assessed, and taxed as agricultural land if the owner:

(A) applies to the department requesting classification of the parcel as agricultural;

(B) verifies that the parcel of land is greater than 20 acres but less than 160 acres and that the parcel is located within 15 air miles of the family-operated farming entity referred to in subsection (1)(b)(iii)(C); and

(C) verifies that:

(I) the owner of the parcel is involved in agricultural production by submitting proof that 51% or more of the owner's Montana annual gross income is derived from agricultural production; and

(II) property taxes on the property are paid by a family corporation, family partnership, sole proprietorship, or family trust that is involved in Montana agricultural production and 51% of the entity's Montana annual gross income is derived from agricultural production; or

(III) the owner is a shareholder, partner, owner, or member of the family corporation, family partnership, sole proprietorship, or family trust that is involved in Montana agricultural production and 51% of the person's or entity's Montana annual gross income is derived from agricultural production.

(c) For the purposes of this subsection (1):

(i) "marketing" means the selling of agricultural products produced by the land and includes but is not limited to:

(A) rental or lease of the land as long as the land is actively used for grazing livestock or for other agricultural purposes; and

(B) rental payments made under the federal conservation reserve program or a successor to that program;

(ii) land that is devoted to residential use or that is used for agricultural buildings and is included in or is contiguous to land under the same ownership that is classified as agricultural land, other than nonqualified agricultural land described in 15-6-133(1)(c), must be classified as



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agricultural land, and the land must be valued as provided in 15-7-206.

(2) Contiguous or noncontiguous parcels of land totaling less than 20 acres under one ownership that are actively devoted to agricultural use are eligible for valuation, assessment, and taxation as agricultural each year that the parcels meet any of the following qualifications:

(a) except as provided in subsection (3), the parcels produce and the owner or the owner's agent, employee, or lessee markets not less than \$1,500 in annual gross income from the raising of agricultural products as defined in 15-1-101;

(b) the parcels would have met the qualification set out in subsection (2)(a) were it not for independent, intervening causes of production failure beyond the control of the producer or marketing delay for economic advantage, in which case proof of qualification in a prior year will suffice; or

(c) in a prior year, the parcels totaled 20 acres or more and qualified as agricultural land under this section, but the number of acres was reduced to less than 20 acres for a public use described in 70-30-102 by the federal government, the state, a county, or a municipality, and since that reduction in acres, the parcels have not been further divided.

(3) For grazing land to be eligible for classification as agricultural land under subsections (1)(b) and (2), the land must be capable of sustaining a minimum number of animal unit months of carrying capacity. The minimum number of animal unit months of carrying capacity must equate to \$1,500 in annual gross income as determined by the Montana state university-Bozeman department of agricultural economics and economics.

(4) The grazing on land by a horse or other animals kept as a hobby and not as a part of a bona fide agricultural enterprise is not considered a bona fide agricultural operation.

(5) (a) Upon application by the property owner, the following parcels of land are eligible for provisional agricultural classification for 5 years to allow crops to reach salable maturity:

(i) a fruit orchard consisting of a minimum of 100 live fruit trees maintained using accepted fruit tree husbandry practices, including pest and disease management, fencing, and a watering system;

(ii) a vineyard containing a minimum of 120 live vines maintained using accepted husbandry practices, including weed and grass maintenance, pest and disease management, pruning, and trellising and staking; and

(iii) property containing a minimum of 2,000 live Christmas trees cultivated according to accepted husbandry practices, including regular shearing.

(b) Following the 5th year of provisional agricultural classification, the property owner shall submit an application for agricultural classification. The application must include documentation proving that the property continues to meet the requirements of subsection (5)(a) and that the income requirements of subsection (2)(a) have been met.

~~(5)~~(6) The department may not classify land less than 160 acres as agricultural unless the owner has applied to have land classified as agricultural land. Land of 20 acres or more but less than 160 acres for which no application for agricultural classification has been made is valued as provided in 15-6-133(1)(c) and is taxed as provided in 15-6-133(3). If land has been valued, assessed, and taxed as agricultural land in any year, it must continue to be valued, assessed, and taxed as agricultural until the department reclassifies the property. A reclassification does not mean revaluation pursuant to 15-7-111.

~~(6)~~(7) For the purposes of this part, growing timber is not an agricultural use.""

**Renumber:** subsequent sections

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3. Page 5, line 24.

**Strike:** "(6)"

**Insert:** "(1)(c)(ii)"

And, as amended, do pass.

**SB 334**, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9.

**Strike:** "PROVIDING" on line 8 through "BONDS;" on line 9

2. Page 3, line 22 through line 23.

**Strike:** "may only be" on line 22 through "bonds and" on line 23

**Strike:** "as provided in 67-11-301" on line 23

And, as amended, do pass.

**SB 360**, do pass.

Without objection, committee reports were adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 205**  
Report No. 001, March 27, 2019

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 205** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 205** (reference copy -- salmon) be amended as follows:

1. Page 1, line 29.

**Following:** "is"

**Strike:** "NOT"

**Following:** "not"

**Insert:** "not"

For the Senate:  
Fielder, Chair  
Flowers  
Hinebauch

For the House:  
Shaw, Vice Chair  
Buttrey  
Perry

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Without objection, the select committee report was adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** concurred in and returned to the Senate: 3/27/2019

**SB 157**, introduced by A. Olszewski

**Senate bills** concurred in as amended and returned to the Senate for concurrence in House amendments:

3/27/2019

**SB 5**, introduced by D. Sands

**SB 158**, introduced by G. Vance

**Senate amendments to House bill** concurred in: 3/27/2019

**HB 132**, introduced by K. Holmlund

**House bills** passed and transmitted to the Senate for concurrence: 3/27/2019

**HB 10**, introduced by K. Holmlund

**HB 695**, introduced by J. Keane

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 10**, introduced by K. Holmlund (by request of the Department of Administration and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 695**, introduced by J. Keane, G. Hertz, referred to Finance and Claims.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 245** - Senator McNally moved **SB 245** do pass. Motion carried as follows:

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Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.

Total 35

Nays: Blasdel, Brown, Ellsworth, Esp, Hinebauch, Kary, Keenan, Lang, Osmundson, Smith C, Thomas, Vance, Webb, Mr President.

Total 14

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 328** - Senator Richmond moved **SB 328** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 43

Nays: Barrett, Brown, Esp, Keenan, Pomnichowski, Vance.

Total 6

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 337** - Senator Welborn moved **SB 337** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr

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President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 204** - Senator MacDonald moved **SB 204** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 40

Nays: Blasdel, Brown, Esp, Hinebauch, Keenan, Lang, Tempel, Vance, Mr President.

Total 9

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**HB 351** - Senator Salomon moved **HB 351** be concurred in.

**HB 351** - Senator K. Regier moved **HB 351**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

**Following:** "LIMITED"

**Insert:** "VOTED"

2. Title, page 1, line 10 through line 11.

**Strike:** "ENSURING" on line 10 through "INCREASES;" on line 11

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3. Title, page 1, line 12.

**Strike:** "AMENDING SECTION 20-9-116;"

4. Page 4, line 12.

**Following:** "met,"

**Insert:** "and with annual approval of the qualified electors of the district,"

**Strike:** "permissive"

5. Page 4, line 13.

**Following:** "(4)."

**Insert:** "The election must be conducted in accordance with the school election laws of this title, and the electors qualified to vote in the election must be qualified under the provisions of 20-20-301. The ballot for a proposition under this subsection (5)(a) must be substantially in compliance with 15-10-425."

6. Page 5, line 16 through page 6, line 7.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

Amendment **not** adopted as follows:

Yeas: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Phillips, Pomnichowski, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 22

Nays: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.

Total 27

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**HB 351** - Thereupon, the Senate reverted to the original motion of Senator Salomon which carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips,

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Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.  
Total 43

Nays: Hinebauch, Keenan, Malek, Regier, Vance, Mr President.  
Total 6

Paired: None.

Excused: Howard.  
Total 1

Absent or not voting: None.  
Total 0

**HB 387** - Senator Blasdel moved **HB 387** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.  
Total 38

Nays: Barrett, Esp, Fielder, Hinebauch, Keenan, Lang, MacDonald, Olszewski, Pomnichowski, Vance, Mr President.  
Total 11

Paired: None.

Excused: Howard.  
Total 1

Absent or not voting: None.  
Total 0

**SB 239** - Senator Ellsworth moved **SB 239** do pass.

**SB 239** - Senator Ellsworth moved **SB 239**, second reading copy, be amended as follows:

1. Page 5, line 11 through line 12.

**Strike:** "OR THE BUILDINGS USED TO HOUSE EQUIPMENT"

2. Page 5, line 15.

**Following:** "FACILITIES"

**Insert:** "or the buildings used to house equipment"

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Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 239** - As amended, **SB 239**, passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, Malek, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 37

Nays: Barrett, Boland, Cohenour, Ellis, Esp, Keenan, MacDonald, McClafferty, Pomnichowski, Sands, Smith F, Webber.

Total 12

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 312** - Senator Small moved **SB 312** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven,



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Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 338** - Senator Gauthier moved **SB 338** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.

Total 31

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.

Total 18

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 352** - Majority Leader Thomas moved **SB 352** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 46

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Nays: Esp, Fielder, Keenan.

Total 3

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**HB 35 - Conference Committee Report No. 1** - Senator Fitzpatrick moved the Conference Committee report to **HB 35** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 41

Nays: Bogner, Brown, Esp, Fielder, Hinebauch, Keenan, Olszewski, Smith C.

Total 8

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 226 - House Amendments** - Senator Vance moved House amendments to **SB 226** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

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Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 119 - House Amendments** - Senator Blasdel moved House amendments to **SB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 310 - House Amendments** - Senator Osmundson moved House amendments to **SB 310** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 44

Nays: Barrett, Bennett, Boland, Cohenour, Pomnichowski.

Total 5

Paired: None.

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Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 295 - House Amendments** - Senator Richmond moved House amendments to **SB 295** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 12 - House Amendments** - Senator Salomon moved **do not concur in** House amendments to **SB 12**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 44

Nays: Bogner, Brown, Fielder, Hinebauch, Vance.

Total 5

Paired: None.

Excused: Howard.

Total 1

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Absent or not voting: None.

Total 0

**HB 74 - Governor's Amendments** - Senator Fitzpatrick moved **do not concur in** Governor's amendments to **HB 74**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 20

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**HB 112 - Governor's Amendments** - Senator Olszewski moved **do not concur in** Governor's amendments to **HB 112**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 20

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

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**SB 216** - Senator R. Webb moved **SB 216** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb, Welborn, Mr President.  
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber.  
Total 21

Paired: None.

Excused: Howard.  
Total 1

Absent or not voting: None.  
Total 0

**HB 15** - Senator Sesso moved **HB 15** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.  
Total 43

Nays: Cuffe, Kary, Regier, Tempel, Vance, Mr President.  
Total 6

Paired: None.

Excused: Howard.  
Total 1

Absent or not voting: None.  
Total 0

**HB 129** - Senator Ankney moved **HB 129** be concurred in.

**HB 129** - Senator S. Sales moved **HB 129**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

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**Following:** "PARTISAN;"

**Insert:** "REVISING THE USE OF PARTY NAME OR SYMBOL;"

2. Title, page 1, line 7.

**Following:** "7-3-111,"

**Strike:** "AND"

**Following:** "7-3-149,"

**Insert:** "AND 13-10-602,"

3. Page 3.

**Following:** line 20

**Insert:** "Section 4. Section 13-10-602, MCA, is amended to read:

**"13-10-602. Use of party name.** (1) Except as provided in subsection (3), a political party and its regularly nominated candidates, members, and officers have the sole and exclusive right to the use of the party name. A candidate for office may not use any word of the name of any other political party or organization other than that by which the candidate is nominated in a manner that indicates or implies the individual is a candidate of the nonnominating party.

(2) An independent or nonpartisan candidate, except as provided in subsection (3), may not use any word of the name of any existing political party or organization in the candidacy in a manner that indicates or implies that the individual is a candidate of that party or organization.

(3) A candidate for an elective office under an elected county official government provided for in 7-3-111 who is running in an election conducted after electors have approved a change pursuant to 7-3-103(4) in the type of election held from partisan to nonpartisan may use a party name or symbol in the candidate's campaign material."

**Renumber:** subsequent section

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 20

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

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Total 0

**HB 129** - As amended, **HB 129** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Webb, Welborn, Mr President.

Total 31

Nays: Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Jacobson, Kary, Keenan, Lang, Olszewski, Pomnichowski, Regier, Smith C, Smith F, Vance, Vuckovich, Webber.

Total 18

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.

Total 46

Nays: Kary, Smith F, Vuckovich.

Total 3

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0



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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 17 failed** (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webb, Webber.

Total 31

Nays: Bogner, Brown, Cuffe, Esp, Fielder, Hinebauch, Hoven, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Welborn, Mr President.

Total 18

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 65** passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Kary, Lang, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Webb, Webber, Welborn, Mr President.

Total 39

Nays: Barrett, Boland, Fielder, Jacobson, Keenan, MacDonald, Malek, Pomnichowski, Vance, Vuckovich.

Total 10

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

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**SB 195** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 325** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 46

Nays: Hinebauch, Olszewski, Vance.

Total 3

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 329** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon,

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Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 28

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fielder, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.

Total 21

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 335** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: Pomnichowski.

Total 1

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**HB 238** concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 26

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso,

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Smith F, Vuckovich, Webber, Welborn.

Total 23

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**HB 586** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 47

Nays: Brown, Malek.

Total 2

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**HB 290** concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.

Total 21

Paired: None.

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Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Senator Jacobson moved that **SB 324** be taken from the Judiciary Committee and placed on second reading tomorrow. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webb, Webber.

Total 28

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Welborn, Mr President.

Total 21

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

Senator Cohenour moved that **SB 353** be taken from the Highways and Transportation Committee and placed on second reading tomorrow. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.

Total 25

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 24

Paired: None.

Excused: Howard.

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Total 1

Absent or not voting: None.

Total 0

Senator Hoven moved that **SB 340** be taken from the Taxation Committee and placed on second reading tomorrow. Motion **failed** as follows:

Yeas: Ankney, Bennett, Blasdel, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, McNally, Olszewski, Phillips, Regier, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Welborn.

Total 24

Nays: Barrett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Malek, McClafferty, McConnell, Osmundson, Pomnichowski, Salomon, Smith C, Tempel, Vance, Webber, Mr President.

Total 25

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m. Friday, March 29, 2019, the sixty-fifth legislative day. Motion carried.

Senate adjourned at 3:00 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate